

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
ALABAMA - EASTERN DIVISION

MARVIN THOMPSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.:
	)	3:06-CV-00160-WKW
STEVEN WOODS, Lt., and LARRY	)	
CLARK, Officer,	)	
	)	
Defendants.	)	

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S**  
**MOTION FOR EXTENSION OF TIME**

COME NOW the Defendants, Steven Woods and Larry Clark, by and through their attorney of record, and object to the Plaintiff's Motion for Extension of Time. As reasons therefore, the Defendants would state as follows:

The Plaintiff states he has not had access to the request letter and order until April 10, 2006. Further, Plaintiff states his court appointed attorney for his probation revocation, Mr. Don Bethel, had his legal folder since April 4, 2006. The Plaintiff claims he has been continually incarcerated in the Montgomery City Jail without access to pen, paper, case action summary information, or a legal consultation attorney. The Plaintiff also claims he had no means to copy or research legal books or materials pertinent to the action and that the incarceration is a direct action relating to the Plaintiff's complaint.

The Defendants would state the following reasons for their objections:

1. This Court's order was issued on March 28, 2006, giving the Plaintiff until April 17, 2006, in which to file an amended complaint or to withdraw his Complaint from the

court.

2. The Plaintiff should have received that order prior to the date of April 10, 2006, which he claims in his motion for extension. Further, the undersigned as an attorney representing the City of Lanett has been made aware that on April 3, 2006, Mr. Marvin Thompson filed a hand written complaint of personal injury against the City of Lanett by giving it a notice of claim claiming that Steven Woods allegedly injured him by handcuffing him and sitting him in a patrol car.

Further, this complaint for personal injury states he is doing this at the instruction of his attorney, Brent Dean.

Therefore, the Plaintiff appears to have contacted an attorney and has placed the City on notice of the potential claim against the City arising out of the actions of one of the Defendants in this action, and further, in his complaint of personal injury, he states, "I have filed a civil complaint and a complaint with the police department; my attorney stated I needed to submit a copy of my complaint with the city clerk also to be in compliance with civil procedure".

Thus, the Plaintiff has had means in which to respond to this Court's order and appears to have had an attorney or at least an attorney who has assisted him at some point.

Therefore, it is the Defendants' position that the Plaintiff has had adequate time in which to file an amended complaint or to withdraw his complaint and the Defendants would ask the Court to deny the Motion for Extension of Time.

Respectfully submitted,

/s/ T. Randall Lyons  
T. RANDALL LYONS (LYO006)  
Attorney for Above-named Defendant

OF COUNSEL:

Webster, Henry, Lyons & White, P.C.  
P.O. Box 239  
Montgomery, AL 36101  
334-264-9472  
334-264-9599

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon the following on this the 14<sup>th</sup> day of April, 2006 via United States Mail, postage prepaid:

Marvin Thompson  
2268 15<sup>th</sup> Avenue, S.W.  
Lanett, AL 36863

/s/ T. Randall Lyons  
OF COUNSEL